

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Abraham De La Torre

Plaintiff,

VS.

Blue Cross Blue Shield of Texas

Defendant

Case No. 1:20-cv-102

APPENDIX

COPY

Cause Number: 3SC-19-0375

ABRAHAM DELATORRE
VS.
BLUE CROSS BLUE SHIELD OF
TEXAS, INC.

IN THE JUSTICE COURT
PRECINCT THREE
WILLIAMSON COUNTY, TEXAS

TO: Blue Cross Blue Shield of Texas, Inc.
901 S Central Expressway
Richardson Tx 75080-7302

THIS COPY OF PROCESS WAS
DELIVERED TO YOU ON THE
6/30/19
BEN ADAMICK, CONSTABLE
PCT. 3, Dallas County, Tx
By: 1. J. Araya 3707 Deputy

THE STATE OF TEXAS
SMALL CLAIMS CITATION

YOU HAVE BEEN SUED. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. DO NOT IGNORE THESE PAPERS. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation."

This citation is issued pursuant to a petition filed on 12/20/2019.

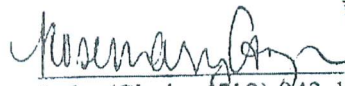
YOUR ANSWER MUST BE FILED WITH THIS COURT LOCATED AT:

Evelyn Mclean
Justice of the Peace, Precinct Three
100 Wilco Way, Suite 204
Georgetown Texas 78626

The nature of Plaintiff's demand is: DENIED COVERAGE FOR SURGERY.
(SEE ATTACHED PETITION FOR MORE DETAILS OF CLAIM)

ISSUED UNDER MY HAND this December 23, 2019.

PLAINTIFF:
Abraham Delatorre
72 Jan Ln
Georgetown Tx 78626-0000


Judge/Clerk (512) 943-1541
100 Wilco Way, Ste. 204
Georgetown, TX 78626



EXHIBIT

1

35C-14-0315

PETITION: SMALL CLAIMS CASEAbraham De La Torre
Plaintiff

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In the Justice Court of

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Williamson County, Texas

Blue Cross Blue Shield of Texas, INC
Defendant

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Precinct One

Precinct Three

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

The defendant Blue Cross Blue Shield of Texas denied me coverage of a surgery starting in February of 2019. They claimed it was not medically necessary. My doctor deemed it medically necessary. For months I was in pain. This affected my work and family life. It also caused me psychological and emotional issues. On July 15th I paid for the surgery myself using money from my 401K. Forcing me to use my 401K has put me in a difficult situation, since it will affect my future retirement. Post surgery I have felt excellent the pain is completely gone.

RELIEF: Plaintiff seeks damages in the amount of \$ 9365.00, and/or return of personal property as described as follows (be specific): _____, which has a value of \$ _____. Additionally, plaintiff seeks the following: _____.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are: _____.

☒ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: Mreva1120@gmail.com

Defendant's InformationRonald Taylor
Printed Defendant's Name901 S Central EXPWY
Address of Defendant's Attorney, if any, or Defendant if noneRichardson, TX 750807302 USA
City, State, Zip

DATE OF BIRTH: _____

LAST 3 NUMBERS OF DRIVER LICENSE: _____

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: _____

Plaintiff's InformationAbraham De La Torre
Signature of the Plaintiff or AttorneyAbraham De La Torre
Print Plaintiff's Name72 Jan Ln
Address of Plaintiff's Attorney, if any, or Plaintiff if noneGeorgetown, TX 78626
City, State, Zip(512) 902-7414
Phone & Fax No. of Plaintiff's Attorney, if any, or Plaintiff if none

Filed: 1/14/2020 10:52 AM
Judge Evelyn McLean
Justice of the Peace, Precinct 3
Williamson County

CAUSE NO. 3SC-19-0375

ABRAHAM DELATORRE,
Plaintiff,

v.

BLUE CROSS BLUE SHIELD OF
TEXAS, INC.
Defendant.

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JUSTICE OF THE PEACE

PRECINCT 3

WILLIAMSON COUNTY, TEXAS

ORIGINAL ANSWER

Defendant Blue Cross Blue Shield of Texas, Inc., doing business through its division Blue Cross and Blue Shield of Texas ("BCBSTX" or "Defendant"), files the following Original Answer.

I.
GENERAL DENIAL

Defendant denies each and every, all and singular, the material allegations contained in the Plaintiff's Original Petition and demands strict proof by a preponderance of the evidence. This constitutes a general denial pursuant to Rule 92 of the Texas Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, Defendant requests that Plaintiff take nothing by this lawsuit and Defendant recover its costs. Defendant further requests such other relief, both legal and equitable, to which it may show itself justly entitled.



Respectfully submitted,

By: /s/ Andrew F. MacRae
ANDREW F. MACRAE
State Bar No. 00784510
LEVATINO|PACE PLLC
1101 S. Capital of Texas Highway
Building K, Suite 125
Austin, Texas 78746
Tel: (512) 637-1581
Fax: (512) 637-1583
andrew@lpfirm.com

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I forwarded a true and correct copy of this Original Answer on January 14, 2020, via e-mail and/or electronic filing, to the following counsel of record:

Abraham Delatorre
72 Jan Lane
Georgetown, Texas 78626
mrevol120@gmail.com

/s/ Andrew F. MacRae
Andrew F. MacRae

Filed: 1/27/2020 4:21 PM
Judge Evelyn McLean
Justice of the Peace, Precinct 3
Williamson County



1101 S. Capital of Texas Hwy.
Building K, Ste. 125
Austin, Texas 78746
t: 512.637.1581
f: 512.637.1583

Writer's Email: andrew@lpfirm.com

January 27, 2020

Honorable Evelyn McLean
Justice of the Peace, Precinct 3
Georgetown Annex
100 Wilco Way, Suite 204
Georgetown, Texas 78626

Via eFiling / ProDoc

Re: Cause No. 3SC-19-0375; *Abraham Delatorre v. Blue Cross Blue Shield of Texas, Inc.*; In the
Justice of the Peace, Precinct 3, Williamson County, Texas.

Dear Rose Mary:

Please accept this letter as a request for the case summary sheet in the above matter. Please e-mail
to my assistant, Lee Roberts at lee@lpfirm.com. Thank you.

Sincerely,

Levatino|Pace PLLC

By: /s/ Andrew F. MacRae
Andrew F. MacRae

501-207



JP3

CASE SUMMARY**CASE NO. 3SC-19-0375**

ABRAHAM DELATORRE
VS.
BLUE CROSS BLUE SHIELD OF TEXAS, INC.

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Location: **JP3**
 Judicial Officer: **McLean, Evelyn**
 Filed on: **12/20/2019**

CASE INFORMATION

File Date 12/20/2019

Case Type: **Small Claims**

Filed By Delatorre, Abraham


Filed Against **BLUE CROSS BLUE SHIELD OF TEXAS, INC.**Case Status: **01/14/2020 Answer Filed**Cause of Action
Small Claims

Description/Remedy
 Action
 Denied Coverage for Surgery
 \$9,365.00 Monetary
Comment: Denied Coverage for Surgery

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number 3SC-19-0375
 Court JP3
 Date Assigned 12/20/2019
 Judicial Officer McLean, Evelyn

PARTY INFORMATION*Lead Attorneys***Plaintiff**



 **Delatorre, Abraham**
 72 JAN LN
 GEORGETOWN, TX 78626-0000

Defendant

BLUE CROSS BLUE SHIELD OF TEXAS, INC.
 901 S Central Expressway
 Richardson, TX 75080-7302

Macrae, Andrew F
Retained
 512-472-4554(W)
 1101 S. Capital of Texas
 Highway
 Building K, Suite 125
 Austin, TX 78746

DATE**EVENTS & ORDERS OF THE COURT****INDEX**




12/20/2019	Cause of Action Small Claims (Denied Coverage for Surgery) Filed By Delatorre, Abraham Filed Against BLUE CROSS BLUE SHIELD OF TEXAS, INC. Action Type Action Remedies Sought Monetary (Denied Coverage for Surgery)
12/20/2019	 Plaintiff's Original Petition
12/23/2019	 Citation Party: Plaintiff Delatorre, Abraham Sent to Dallas County Constable
12/23/2019	Citation BLUE CROSS BLUE SHIELD OF TEXAS, INC. Unserved
12/23/2019	



JP3

CASE SUMMARY

CASE NO. 3SC-19-0375

01/14/2020	 Letter <i>Service instructions sent with citation</i>	
01/27/2020	 Original Answer <i>Original Answer filed by Def Atty Andrew MacRae</i>	
	 Request <i>Request - Ltr requesting case summary sheet filed by Def Atty Andrew F. MacRae</i>	
DATE	FINANCIAL INFORMATION	
Plaintiff Delatorre, Abraham		
Total Charges		46.00
Total Payments and Credits		46.00
Balance Due as of 1/28/2020		0.00